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Attorneys for Defendant ACER AMERICA CORPORATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO DIVISION**

KEVIN EMBRY, an individual, on behalf of  
himself, the general public and those similarly  
situated

Plaintiff,

v.

ACER AMERICA CORPORATION; AND  
DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATED REQUEST FOR  
ADDITIONAL TIME TO PROVIDE  
AMENDED CLAIM FORM AND  
PRELIMINARY APPROVAL ORDER**

1 TO THE COURT:

2 WHEREAS, on September 20, 2011, the Court ordered the parties to submit a revised  
3 proposed order on the motion for preliminary approval as well as a revised claim form, on or  
4 before September 26, 2011, with directions to “revise the Proposed Order to address the question  
5 of what relief will be available to those class members whose computers do not have an internal  
6 CD drive” (Dkt.# 188) (“September 20 Order”);

7 WHEREAS, Acer has confirmed that approximately 70% of the computers sold during the  
8 class period were shipped with an internal CD or DVD drive, and Acer is attempting to determine  
9 what additional percentage may have been sold with an external CD or DVD drive;

10 WHEREAS, Microsoft has informed Acer that Microsoft will not permit the Windows  
11 recovery utilities to be distributed via download from the Internet;

12 WHEREAS, the parties are currently researching whether the Windows recovery utilities  
13 might be provided to class members in a format other than CD or DVD, which requires Acer to  
14 seek approval of Microsoft and to determine the cost of alternative formats;

15 NOW THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST that the Court  
16 extend the time for the parties to comply with the September 20 Order until October 3, 2011.

17 DATED: September 26, 2011

GUTRIDE SAFIER LLP

19 By: /s/ Adam Gutride

20 Adam Gutride

Seth A. Safier

21 Attorneys for Plaintiff Kevin Embry

22  
23 DATED: September 26, 2011

24 QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

25 By: /s/ Jeff McFarland

26 Jeffery D. McFarland

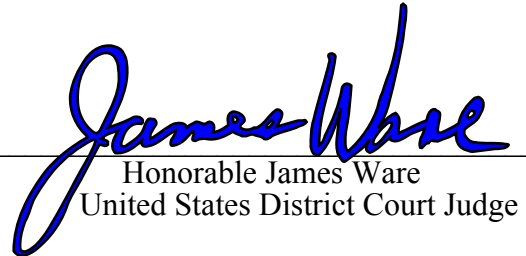
27 Stan Karas

A.J. Bedel

28 Attorneys for Defendant Acer America  
Corporation

1  
2 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

3 DATED: September 28, 2011  
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8 Honorable James Ware  
9 United States District Court Judge  
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